

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

CRIMINAL NO. 08-390 (ADM/SRN)

Plaintiff,

v.

ORDER

HERBERT RAY KELLY,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson, dated April 14, 2009. The Court has been advised that no objections will be filed to that Report and Recommendation and the parties have reached a plea agreement in this case.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, IT IS HEREBY ORDERED that:

1. Defendant's Motion to Suppress Statements, Admissions and Answers (Doc. No. 17) is DENIED;
2. Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure (Doc. No. 18) is DENIED; and
3. Defendant's Motion to Suppress Evidence (Doc. No. 20) is DENIED.

Dated: April 20, 2009

s/Ann D. Montgomery

ANN D. MONTGOMERY
United States District Court Judge